

40290-0009

Serial No.: 10/622,183

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: Daniel S.J. Choy

Application No.: 10/622,183

Filed: July 16, 2003

Title: "Method and Apparatus for Treatment  
of Mono-Frequency Tinnitus Utilizing  
Sound Wave Cancellation Techniques"

Examiner: SMITH, Fangemonique A.

Group Art Unit: 3736

Confirmation No.: 2235

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SEP 07 2007

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated **March 7, 2007**, rejecting the following claims **41-54**.

(X) The fee for this Notice of Appeal is (37 CFR 1.17(b)) **\$250.00**.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(X) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

- ( ) one month \$60.00
- ( ) two months \$225.00
- (X) three months \$510.00
- ( ) four months \$795.00

( ) The extension fee has already been filed in this application.

( ) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

(X) Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown is reduced by half.

Please charge to Deposit Account **18-0013/40290-0009** the sum of **\$760.00**. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **18-0013/40290-0009** pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account **18-0013/40290-0009** under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being transmitted to the US Patent and Trademark Office via facsimile number **(571) 273-8300** on **September 7, 2007**

Number of pages transmitted: **5**

Signature: 

Rebecca R. Schow

Respectfully submitted,

By: 

**Steven L. Nichols** (Reg. No.: 40,326)  
Attorney/Agent for Applicant(s)  
Telephone No.: (801) 572-8066  
Date: September 7, 2007

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